

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**MALKA KUMER, et al.,**

**Plaintiffs,**

**-against-**

**HEZBOLLAH,**

**Defendant.**  
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**MEMORANDUM  
AND ORDER**

**18-CV-7449 (CBA)**

**ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:**

Currently pending before this Court, on a referral from the Honorable Carol Bagley Amon, is a letter-request filed by Martin G. Kirton, Esq., appointed criminal counsel for Alexei Saab (“Saab”), for appointment of counsel for Saab in this civil action. See Order (Sept. 9, 2020); Letter dated 8/28/20 to Judge Carol Bagley Amon from Martin G. Kirton, Esq. (filed on Sept. 9, 2020) (“8/28/20 Ltr.”), Electronic Case Filing Docket Entry (“DE”) #13. Saab was recently served with the summons and complaint, as a purported agent of defendant Hezbollah (“Hezbollah” or “defendant”), pursuant to Rule 4(h)(1) of the Federal Rules of Civil Procedure. See Status Report (July 27, 2020), DE #12; 8/28/20 Ltr. at 1. Mr. Kirton explains that he filed the instant application because “[i]t is unclear whether Mr. Saab is a party to this action or required to answer the summons and complaint.” See 8/28/20 Ltr. at 1.

As noted above, Saab was served with process only in his capacity as an agent of Hezbollah, a defendant in this action. Accordingly, at this juncture, Saab’s lack of legal representation in this civil case will not cause him any prejudice. Even if Saab were a party in

this action, civil litigants, unlike criminal defendants, do not enjoy a Sixth Amendment right to representation, see *In re Martin-Trigona*, 737 F.2d 1254, 1260 (2d Cir. 1984), and the Court cannot compel an attorney to take a civil case without a fee, Mallard v. United States District Court, 490 U.S. 296 (1989).

**CONCLUSION**

For the foregoing reasons, the application for appointment of counsel is denied.

**SO ORDERED.**

**Dated: Brooklyn, New York  
September 9, 2020**

/s/ *Roanne L. Mann*  
**ROANNE L. MANN  
UNITED STATES MAGISTRATE JUDGE**